

Testimony Concerning S.B. No. 877, An Act Implementing the Recommendations of the Program Review and Investigations Committee Concerning the Department of Children and Families, S.B. No. 878 An Act Concerning the Prevention Role of the Department of Children and Families, H.B. No. 5915 An Act Concerning “Stuck Kids”, H.B. No. 6419 An Act Concerning Transparency and Accountability of the Department of Children and Families and H.B. No. 6420, An Act Concerning A Leadership Audit of the Department of Children and Families

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Select Committee on Children Public Hearing
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Senator Musto, Representative Urban and distinguished Members of the Select Committee on Children:

We testify on behalf of Connecticut Voices for Children, a research-based public education and advocacy organization that works statewide to promote the well-being of Connecticut’s children, youth, and families.

Connecticut Voices supports, with suggested revisions, S.B. No. 877, An Act Implementing the Recommendations of the Program Review and Investigations Committee Concerning the Department of Children and Families, S.B. No. 878 An Act Concerning the Prevention Role of the Department of Children and Families, H.B. No. 5915 An Act Concerning “Stuck Kids”, H.B. No. 6419 An Act Concerning Transparency and Accountability of the Department of Children and Families and H.B. No. 6420, An Act Concerning A Leadership Audit of the Department of Children and Families

1. Implementation of the Recommendations from the Program Review Investigations Committee

Voices testified on this language during the last legislative session, and continues to support the adoption of these recommendations. As the PRI Committee report found in December of 2007, the *Juan F.* litigation has done much to increase the resources available to DCF. Further, on-going monitoring by the Court Monitor of DCF’s performance against 22 specific outcome measures has helped improve DCF practice, including DCF’s internal quality improvement programs. Similar impacts from the *Emily J.* and *W.R.* court monitoring processes have occurred.

As the Committee’s report also discusses, however, court monitoring is a “expensive and time-consuming endeavor.” DCF must further enhance its *internal* processes for ensuring high quality care – and not only for children in the foster care system, but also for children with mental health needs

and who are in the juvenile justice system.¹ This is particularly critical with regard to the monitoring of contracted services and addressing the identified inadequacies in its performance-based contracting, given DCF's extensive reliance on contracted providers to deliver so many of its programs and services.²

For these reasons, **with one exception**, we support the recommendations included in S.B. 877, but respectfully suggest the following revisions:

- We generally recommend that it should be required that all plans, reports, status updates/reports, facility annual reports, committee meeting agendas and minutes, etc., that are required of DCF by state statute be posted on DCF's website (provided that any personally-identifiable information about DCF-involved children and families, if a part of any report, be redacted).
- In Section 6, which refers to the State Advisory Council, we request a restoration of a previous statutory requirement that youth be appointed to the State Advisory Council, by amending line 258 to add, after "at least one attorney" – "at least two youth between the ages of 18 and 25 who have been served by the Department." Amend lines 270-272 to add youth to those whose service on the SAC DCF should support. As prior "consumers," such youth would provide an invaluable perspective, as the experience in other states has shown. Past members of DCF's Youth Advisory Boards could be good candidates for such appointments.
- We strongly support the idea of the pilot that would allow integration of the initial written plan for care, treatment and permanent placement of children and youth with the specific steps for family reunification ordered by the court. However, to assure that children and youth (and their parents) can participate in the meetings convened by the court support services officer – as research shows is *very* important for success of whatever treatment plans are devised ("nothing about us, without us"). We urge that this language be added, "Whenever possible, meetings should be convened at times, and in places, that maximize the likelihood that children, youth, and their parents or guardians are able to attend."
- In Section 9, the legislation calls for each person or entity holding a license with the department to file annually, with the commissioner, a report stating the number of children received and removed during the year, the number of deaths and the causes of death, the average cost of support per capita and such other data as the commissioner may prescribe. We respectfully request language be added to this section that this report be required to be presented to the General Assembly's committees of cognizance as well as be posted on the Department's website.

¹ Indeed, as the Committee report notes, the *Juan F.* court monitor reports a critical part of his role to be to "help DCF build its own capacity for quantitative and qualitative analysis and institute an agency-wide culture of results-based management." (p. 43).

² The Committee report notes, in this regard: a) that DCF's monitoring of providers and implementation of contract requirements is "haphazard at best;" b) "no evidence" that monitoring staff "immediately address deficiencies in contractor performance, including poor quality of service, failure to perform all or part of the contract;" and c) "provider payment occurred regardless of satisfaction with the service provided." PR&I, *Findings and Recommendations*, December 20, 2007, p. 33.

We oppose the proposal in Section 10 to eliminate the requirement that DCF annually evaluate the progress and accomplishments of its unified school district. Youth in DCF care are at educational risk. Such a report could, and should, help assure that their educational needs are met. We would urge that this report not only be provided to the State Board of Education, but also to the General Assembly's Education Committee, and be posted on DCF's website.

2. Oversight and Reorganization of the Department of Children and Families

S.B. 878 would create a task force made up of legislative appointees to consider the following three items: whether the department should implement a Differential Response System (DRS) by July 1, 2009; whether DCF should privatize voluntary services; and whether or not the department should be implementing other prevention measures, as well as the nature and cost of these additional measures. While we applaud the serious consideration of prevention, which is often neglected in DCF budgeting, we feel that in regards to DRS and the privatization of voluntary services it would not be necessary.

We strongly feel that the creation of a task force to study these programs will only be another setback that will result in a delay in implementation of these critical prevention efforts.

a. Differential Response

Differential response is a child protective services practice that allows for more than one method of initial response to reports of child abuse and neglect and recognizes variation in the nature of reports and the value of responding differently to different types of cases. These systems are typically dual tracked, with a response of assessment in those cases that are considered "low" and "moderate" risk, with investigations only occurring when the case is considered a severe risk or when it appears that there was potential criminal activity. The assessment reviews the family's strengths and needs and then finds appropriate services to support positive parenting. While determination of abuse can occur, substantiation of child abuse or neglect is not required to receive services. Assessments tend to be less adversarial and focus more on the family unit.³

In 2005, 8,157 children were substantiated or indicated as abused or neglected. Of these children, 74.1% were neglected, 7.1% were physically abused, and 4.6% were sexually abused.⁴ DCF itself reports that two of three calls to its hotline involve allegations relating to families struggling with domestic violence, substance abuse, mental health issues, poverty or low cognition. The majority of these cases of neglect are inappropriately brought into child welfare system, causing a major backlog and creating a shortage of resources for all of those involved.

The DRS program is currently operative in at least 26 states and is recognized in the child protective services field as a great step forward in truly engaging families, providing community based services, and preventing future abuse or DCF involvement.

³ See Child Welfare Information Gateway's Issue Brief: Differential Response to Reports of Child Abuse and Neglect. Can be viewed at http://www.childwelfare.gov/pubs/issue_briefs/differential_response/differential_responsea.cfm

⁴ See Child Welfare League of America's Connecticut's Children 2008 Fact Sheet at <http://www.cwla.org/advocacy/statefactsheets/2008/connecticut.htm>

The Department's efforts to implement DRS have lacked both a real commitment as well as a sense of urgency. In the past six years two different pilots failed to get off the ground due to leadership change and re-organization, as well as a general failure to provide the necessary support. We urge you to leave the July 1, 2009 DRS implementation deadline so DCF will be mandated to commit to the program. The January 1, 2010 task force report date should be amended to be an implementation progress report to be presented to the General Assembly and to be made available on the DCF website.

b. Privatization of Voluntary Services

One of the major hurdles to efficiency and greater access to services within the Voluntary Services program is the high caseload ratio of 49:1. By privatizing the system there would be the ability to have a lower number of cases, and a greater ability to locate and provide youth with the correct services. This privatization could also be critical in an increased utilization of voluntary services; anecdotally we have heard individuals share an apprehension of becoming engaged in the system due to a fear of the department. By removing voluntary services there could be a removal of the stigma and trepidation of engaging with the program.

3. "Stuck Kids"

H.B. 5915, An Act Concerning "Stuck Kids", would shed light on a population that is often overlooked, and difficult to quantify in numbers. We strongly support this legislation that would require the Commissioner to review and monitor the placement of every out-of-state, run away and homeless child and youth in the custody, care or supervision of the Department of Children and Families and then report to this Committee the status of these placements. We would request that this report also be required to be made public through publication on the department's website (provided that any personally-identifiable information about DCF-involved children and families, if a part of any report, be redacted).

While we do have numbers on the number of youth placed out of state, and register concern that this number has never been reduced in any significant way over the years, there is no true count on the number of youth who are homeless or who have runaway and this would be a significant step forward in monitoring this uniquely vulnerable population.

4. Transparency and Accountability of the Department of Children and Families

H.B. 6419 would create a task force made up of legislative appointees to consider the following issues regarding transparency and accountability: whether DCF should report aggregate administrative case review data (ACR) and Connecticut comprehensive objective reviews to the General Assembly; whether DCF should include measurable outcomes in contracts with private providers; whether DCF should conduct service needs reviews and case conferences for "stuck" kids and the "unseen population"; and whether two different pilot programs should be established: one to combine ACRs and case status conferences, and the other to open Juvenile Court proceedings in one judicial district. While we applaud the serious consideration of initiatives that would make the

Department both more transparent as well as held to a higher level of accountability, we would like to argue that the establishment of a task force would be unnecessary and instead would put on-hold important measures that could improve the performance of the agency.

Our recommendation is to implement these proposals immediately as many of the ideas in this legislation were pulled directly from the 2007 Legislative Program Review and Investigations Committee Report or from the quarterly reports issued by the *Juan F.* court monitor.

We ask that you amend this legislation to include provisions that we know work to achieve the stated ends - results based accountability as a requirement in contracts with service providers, currently there is almost no liability for failing to meet contract expectations and the PRI report has recommended that DCF begin to hold providers responsible; integration of the court-ordered steps with the DCF treatment plan; and implementation of programming to increase the chance of permanency for youth in the system, service needs reviews of youth in temporary, psychiatric and out-of-state placements have been recommended in the *Juan F.* reports to remove barriers impacting permanency and well-being; and increasing the openness of juvenile court proceedings.

5. Leadership Audit of The Department of Children and Families

Despite our best efforts it is almost entirely impossible to ensure the best possible outcomes for children through legislation, and implementation and accountability are just as, if not more, important than the policies that we put in place. The Office of the Child Advocate has expressed concerns that many of the individuals who are currently employed in the department are the same individuals who have been in their positions through out many difficult incidences that have befallen the agency. We support a leadership audit that would take a look at the multiple layers of management within the agency and ensure that those who are employed in various positions have the skills to match their job descriptions. It makes good sense that employees working with youth with specialized mental health needs be educated in a way that provides them with a high level of expertise. The leadership audit should also look at areas where there is too much management and bureaucracy that is not only bogging down the system and potentially preventing the agency from fully meeting its mandate to protect kids, but is also misusing state money.